

Dakai Liu et al.

Serial No.: 08/822,963

Filed: March 21, 1997

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Request for Continued Examination (RCE) – January 11, 2002]

### REMARKS

By this submission to Applicants' Request for Continued Examination (RCE), claims 91-114 have been added in place of the previously pending claims 68-90, those latter claims having now been canceled.

A minor citation has been corrected on page 45 in the specification.

1. New Claims

New claims 91-114 are directed to similar subject matter as the previously pending and now canceled claims. That is to say, as in the case of former claims 68-84, new claims 91-109 are directed to a vector comprising a viral vector, a viral vector nucleic acid, or a nucleic acid construct that comprises a viral vector nucleic acid sequence. As in the case of former claims 85-90, new claims 110-114 are directed to a process for producing such viral vector or viral vector nucleic acid or nucleic acid construct that comprises such viral vector nucleic acid sequence.

2. Rejection Under 35 U.S.C. §112, Second Paragraph

Applicants are mindful of the indefiniteness rejection under 35 U.S.C. §112, second paragraph, as set forth in the October 11, 2000 Office Action (pages 3-4). New claims 91-114 have been drafted in light of the many points set forth in that rejection. More particularly, the points in the rejection of former claims 68, 74, 77, 81, 85, 86, 87, 89 and 90 are believed to have been addressed in new claims 91-114.

Entry of new claims 91-114 is respectfully requested.

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3. Petition To Correct Inventorship

Acknowledgement is also made of the indication in the October 11, 2000 Office Action that Applicants' petition to correct inventorship under 37 C.F.R. §1.48(b) must be resubmitted and re-filed under 37 C.F.R. §1.48(a). A new petition to correct inventorship is now being prepared and will be submitted under 37 C.F.R. §1.48(a) as soon as an indication has been received that this application has been returned to Group Art Unit 1636 for further examination.

4. Information Disclosure Statement

Applicants, through their attorney, are filing herewith an Information Disclosure Statement (IDS) in order to submit 49 documents to the Examiner for consideration in connection with this application. The IDS is attached to this Submission (Amendment) as Exhibit A.

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### SUMMARY AND CONCLUSIONS

Claims 91-114 have been added by this Submission (Amendment) in place of former and now canceled claims 68-90.

No claim fee or fees are believed due for adding new claims 91-114. As set forth in the accompanying RCE and the Transmittal to the accompanying IDS, The Patent and Trademark Office is authorized to charge the amounts of \$370 and \$180, respectively, to Deposit Account No. 05-1135. No other fee or fees are believed due in connection with this Submission (Amendment), the Request for Continued Examination (RCE) or the IDS. If any other fee or fees are due, however, authorization is hereby given to charge the amount of any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that he be contacted at the number provided below.

Respectfully Submitted,



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